

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARKE AND REBECCA WIXON, et al.,

No. C 07-02361 JSW

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT
COMPANY, et al.,

Defendants.

**ORDER VACATING HEARING
ON MOTION TO ADOPT AND
MODIFY SPECIAL MASTER'S
REPORT AND
RECOMMENDATION AND ON
PLAINTIFF'S OBJECTIONS TO
REPORT AND
RECOMMENDATION**

This matter comes before the Court upon consideration of the Motion to Adopt and Modify the Special Master's Report and Recommendation, filed by Wyndham Resort Development Company ("WRDC"), and upon consideration of Plaintiffs' Objections to the Special Master's Report and Recommendation. Having considered the parties' papers, relevant legal authority, and the record in this case, the Court finds these matters suitable for disposition without oral argument. *See* N.D. Civ. L.R. 7-1(b). **Accordingly, the hearing set for August 28, 2009 is VACATED, and the Case Management Conference shall be heard at 1:30 p.m. on that date.**

Having also considered WRDC's Motion to Strike the Supplemental Levine Declaration and Plaintiffs' opposition thereto, the Court concludes that no hearing on that motion shall be necessary. Accordingly, once the reply on that motion is filed, all pending matters will be ripe

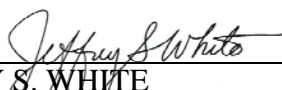
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1 for decision and the Court shall issue an order or orders on these matters in due course.

2 **IT IS SO ORDERED.**

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4 Dated: August 19, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE